

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

PATRICK EDDINGTON,)	
1000 Massachusetts Avenue)	
Washington, DC 20001)	
)	Case No. 19-cv-3093
Plaintiff,)	
)	
v.)	
)	
U.S. DEPARTMENT OF JUSTICE)	
950 Pennsylvania Avenue, NW)	
Washington, DC 20530)	
)	
Defendant.)	

COMPLAINT

1. Plaintiff, PATRICK EDDINGTON, files this Freedom of Information Act suit to force Defendant U.S. Department of Justice, to produce all records regarding the Uniting and Strengthening America By Fulfilling Rights and Ensuring Effective Discipline Over Monitoring (USA FREEDOM) Act Of 2015, P.L. 114-23.

PARTIES

2. Plaintiff PATRICK EDDINGTON is a policy analyst and scholar at the Cato Institute and made the FOIA request in this case.

3. Defendant U.S. Department of Justice (“DOJ”) is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552.

JURISDICTION AND VENUE

4. This case is brought under 5 U.S.C. § 552(a)(4)(B) and presents a federal question conferring jurisdiction on this Court. *See* 28 U.S.C. § 1331.

5. Venue is proper under 5 U.S.C. § 552(a)(4)(B).

MAY 15, 2019, FOIA REQUEST

6. On May 15, 2019, EDDINGTON submitted a FOIA request to the Office of Legal Counsel, a component of DOJ, for “any documents regarding the Uniting And Strengthening American By Fulfilling Rights And Ensuring Effective Discipline Over Monitoring (USA FREEDOM) Act of 2015, P.L. 114-23 generated by the Office of Legal Counsel (OLC), including but not limited to any correspondence regarding OLC opinions on the legality of any programs carried out under P.L. 114-23. The date range of this request is June 3, 2015 to the date of this request.” Exhibit A.

7. EDDINGTON also requested a fee waiver and expediting processing. Exhibit A.

8. On May 24, 2019, OLC acknowledged receipt of the request and assigned the following tracking number: FY19-142. OLC also denied his request for expedited processing. Exhibit B.

9. On May 29, 2019, EDDINGTON appealed OLC’s denial of expedited processing. Exhibit C.

10. On June 4, 2019, OLC acknowledged receipt of the appeal and assigned the following appeal number: DOJ-AP-2019-004985. OLC affirmed its denial of expedited processing. Exhibit D.

11. As of the date of this filing, OLC has not issued a determination on the request and has produced no responsive records.

COUNT I – OLC’S VIOLATION OF FOIA

12. The above paragraphs are incorporated herein.

13. DOJ is a federal agency and is subject to FOIA.

14. The requested records are not exempt under FOIA.

15. DOJ has failed to produce the requested records.

WHEREFORE, Plaintiff asks the Court to:

- i. Order Defendant to conduct a reasonable search for records and to produce all non-exempt requested records;
- ii. Award Plaintiff's attorney fees and costs; and
- iii. Enter any other relief the Court deems appropriate.

Dated: October 15, 2019

Respectfully Submitted,
/s/ Joshua Hart Burday

Attorneys for Plaintiff
PATRICK EDDINGTON

Matthew Topic, Bar No. IL0037
Joshua Burday, Bar No. IL0042
Merrick Wayne, Bar No. IL0058
(E-Mail: foia@loevy.com)
LOEVY & LOEVY
311 N. Aberdeen, Third Floor
Chicago, Illinois 60607
Tel.: (312) 243-5900
Fax: (312) 243-5902